

CWP No.19866 of 2019(O&M)
Date of Decision: 04.12.2019

Tejinder Singh

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGAPresent:- Mr.Pawan Kumar, Advocate,
for the petitioner.

Ms.Monica Chhibber Sharma, Sr. DAG, Punjab.

Ms.Alisha Arora, Advocate,
for respondent No.4.**ARUN MONGA, J.(ORAL)**

By way of this petition, petitioner seeks issuance of a appropriate writ, direction or order quashing the impugned order dated 12.07.2019 (Annexure P-3) qua-petitioner vide which the petitioner has been transferred form Incharge Faridkot Range, Division Ferozpur to Incharge Extension Range, Shri Muktsar Sahib, Extension Division, Bathinda and for issuance of a writ in the nature of mandamus to direct respondent No.2 not to dislocate the petitioner in violation of the rules, policy instruction dated 23.04.2018 (Annexure P-6) and transfer policy/instructions dated 29.05.2019 (Annexure P-7).

2. Heard learned counsel for the petitioner as well as respondents.
3. Transfer being matter of administrative exigencies, this Court generally interferes, if at all, very cautiously. Transfer is not a punishment but an essential aspect of service, particularly, on a transferable post.
4. I am unable to persuade myself with the argument of the learned counsel for the petitioner that the respondent No.4 is not eligible to be appointed as Incharge of the Range as per Appendix B Rule 6 of the Punjab Forest Subordinate (Group-C) Executive Service Rules, 2006.

5. For the sake of arguments even if it is assumed that the argument of learned counsel for the petitioner is to be accepted, at best that will non-suit the respondent No.4 to be appointed as Incharge of a Range and would not necessarily mean that the competent authority cannot transfer the the petitioner as the transfers are necessary consequence of Government service.

6. In my opinion, in the present case, the impugned transfer order dated 12.07.2019 (Annexure P-3) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

7. However, the petitioner is at liberty to challenge the appointment of respondent No.4, in case, he feels so and, if so advised, in accordance with law.

8. Disposed of in the aforesaid terms.

Pending applications, if any, stands also disposed of.

(ARUN MONGA)
JUDGE

04.12.2019

dharamvir

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No